

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

2001 JUN 15 PM 3:15

Please Complete and Return This Form by July 1, 2001.

DIV. OF WATER RIGHTS  
SACRAMENTO

Owner of Record: DONALD J SMITH;

Michael J. Chatelain (new owner)  
~~DONALD J SMITH~~  
~~19600 POTTEROFF RD~~ 20789 Scenic Vista Dr.  
~~MOKELUMNE HILL, CA 95245~~ San Jose, CA 95120

mailing address



Statement No: S008197  
Password: 04190110000865  
Phone Number: (209) 754-3630

209-754-4113

\*If the mail recipient's name, address or phone No. is wrong or missing, please correct.

Source Name: SOUTH FORK ESPERANZA CREEK

Year of First Use: 1942

Tributary To: ESPERANZA CREEK

County: Calaveras

Parcel Number:

Diversion Within: SE1/4 of NE1/4 Section 16, T05N, R13E, MB&M

A. Water is used under: Riparian claim ☒ Pre 1914 right ☐ Other (explain): ☐

B. Year of first use (Please provide if missing above)

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: Gallons ☒ Acre-feet ☐ Other ☐

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
1998						✓	✓	✓	✓				
1999						✓	✓	✓	✓				
2000						✓	✓	✓	✓				

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation  acres; Stockwatering ; Domestic ☒

Other (specify)

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES ☐ NO ☐

Describe any water conservation efforts you have initiated:

b. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:

Reductions in Diversions:

yr  (af/mg) yr  (af/mg) yr  (af/mg)

Reductions in consumptive use:

yr  (af/mg) yr  (af/mg) yr  (af/mg)

I have data to support the above surface water use reductions due to conservation efforts. YES ☐ NO ☐

OCT 31 2001

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES \_\_\_\_\_ NO X
- b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg)  
I have data to support the above surface water use reductions due to wastewater reclamation. YES \_\_\_\_\_ NO \_\_\_\_\_

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES \_\_\_\_\_ NO X
- b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg)  
I have data to support the above surface water use reductions due to conjunctive use efforts. YES \_\_\_\_\_ NO \_\_\_\_\_

I understand that it may be necessary to document the water savings claimed in "F." above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: June 13, 20 01 at Mokelumne Hill, California

SIGNATURE: Michael J. Chatelain

PRINTED NAME: Michael J. Chatelain  
(first name) (middle init.) (last name)

COMPANY NAME: \_\_\_\_\_

If there is insufficient space for your answers, please use the space provided below.

ITEM CONTINUATION


GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriate rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre 1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption.  
For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>"

\*\*\* PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS \*\*\*

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

STATEMENT NO: S008197  
OWNER OF RECORD: DONALD J SMITH

DONALD J SMITH  
19600 POTTEROFF ROAD  
MOKELUMNE HILL, CA 95245

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
SACRAMENTO  
1995 APR 17 PM 12:48

SOURCE: SOUTH FORK ESPERANZA CREEK  
TRIBUTARY TO: ESPERANZA CREEK  
COUNTY: CALAVERAS  
DIVERSION  
WITHIN: SE¼ OF NE¼ SECTION 16, T5N, R13E, MDB&M.

TELEPHONE NUMBER:  
(209) 754-3630  
YEAR OF FIRST USE: 1942  
PARCEL NO:

(If any of the above information is inaccurate or missing, please correct. Notify this office if ownership or address changes occur during the coming year.)

COMPLETE AND RETURN THIS FORM BY JULY 1, 1995.

- A. Water is used under: Riparian claim ☒; Pre 1914 right ☐; Other (explain) permit
- B. Year of first use (Please provide if missing above) \_\_\_\_\_
- C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☐ Acre-feet ☐ (other) \_\_\_\_\_

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL ANNUAL
1992													
1993	<u>not used these years do to low flow</u>												
1994													

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.  
Irrigation \_\_\_\_\_ acres; Stockwatering \_\_\_\_\_; Domestic \_\_\_\_\_  
Other (specify) \_\_\_\_\_

\*\*\* CONTINUE ON BACK PAGE \*\*\*

\*\*\* PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS \*\*

- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

none

- F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

none

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 4-14, 1995, at Mokelumne Hill, California

SIGNATURE: Ronald J. Smith

PRINTED NAME: RONALD J. SMITH  
(FIRST NAME) (M. NAME) (LAST NAME)

COMPANY NAME: \_\_\_\_\_

#### GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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An appropriate right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

"Statements of Water Diversion and Use"

"Information Pertaining to Water Rights in California"

"Water Rights for Stockpounds Constructed Prior to 1969"

"Appropriation of Water in California"

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000  
(916) 657-1875

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

STATEMENT NO: 008197

DONALD J SMITH  
19600 POTTEROFF ROAD  
MOCKELMUNE HILL, CA 95245

TELEPHONE NUMBER:  
(209) 754-3630

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: SOUTH FORK ESPERANZA CREEK

TRIBUTARY TO: ESPERANZA CREEK

COUNTY: CALAVERAS

YEAR OF FIRST USE: 1994

DIVERSION

WITHIN: SE1/4 OF NE1/4 SECTION 16, T05N, R13E, MDB&M

COMPLETE AND RETURN THIS FORM BY JULY 1, 1994

- A. Water is used under: Riparian claim \_\_\_\_\_; Pre 1914 right \_\_\_\_\_; Other (explain) \_\_\_\_\_
- B. Year of first use (Please provide if missing above) \_\_\_\_\_
- C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☐ Acre-feet ☐ (other) \_\_\_\_\_

JAN. FEB. MAR. APR. MAY JUNE JULY AUG. SEPT. OCT. NOV. DEC. TOTAL ANNUAL

1991				whole year		maybe	2 acre feet
1992				whole year		maybe	2 acre feet
1993				whole year		maybe	2 acre feet

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.  
Irrigation ☒ acres; Stockwatering \_\_\_\_\_; Domestic ☒  
Other (specify) \_\_\_\_\_

- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

none

- F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

no

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: May 8, 19 94, at Mockelumne Hill, California

Signature: Donald J Smith

## GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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Statements of water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

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"Appropriation of Water in California"

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95812-2000  
901 P ST. SACRAMENTO, CA 95814  
(916) 322-4503

STATE WATER RIGHTS  
DIVISION  
916 322-4503

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

1991 JAN 31 PM 3:36

DIVERTER OF RECORD:

STATEMENT NO: 008197

DONALD J SMITH  
19600 POTTEROFF ROAD  
MOKELUMNE HILL, CA 95245

DIV. OF WATER RIGHTS  
SACRAMENTO

TELEPHONE NUMBER:  
(209) 754-3630

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: SOUTH FORK ESPERANZA CREEK

TRIBUTARY TO: ESPERANZA CREEK

COUNTY: CALAVERAS

DIVERSION

WITHIN: SE1/4 OF NE1/4 SECTION 16, T05N, R13E, MDB&M.

INSTRUCTIONS: Please complete Items A, B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, 1991. (Additional information on reverse side of this form.)

- A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.
- Amounts ☐ Gallons  
below are: ☐ Acre-feet  
☐ \_\_\_\_\_ (other)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1988													
1989													
1990													

- B. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation none

Stockwatering none

Domestic none

Other (specify) saved what little water in storage for fire protection

- C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

Cleaned out storage pond in Sept. 1988

- D. If part of the water listed in Part A consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

no

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: Jan 28, 1991, at 19600 Potteroff Rd, California 95245

Signature: Donald J Smith

## GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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- "Appropriation of Water in California"



STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
STATEMENT OF WATER DIVERSION AND USE

\$ 8197

This statement should be typewritten or legibly written in ink.

- A. Name of person diverting water Mr. & Mrs. Donald J. Smith  
Address Rt 1 Box 51H Mokelumne Hill Calif 95245
- B. Name of body of water at point of diversion South fork Capatunga Creek  
Tributary to Calaveras River
- C. Place of diversion SE 1/4 NE 1/4 Section 16 Township 5 Range 13E01 RD B&M  
Calaveras County, or locate it on sketch of section grid on reverse side with regard to  
lines or prominent local landmarks.

D. Name of works

- E. Capacity of diversion works 300 gal per min cubic feet per second  
Capacity of storage reservoir 850,000 gal gallons per minute  
State quantity of water used each month in gallons or acre-feet gallons  
acre-feet

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1972													7500,000 gal

If monthly and annual use are not known, check months in which water was used. State extent of use in units, such as acres of each crop irrigated, average number of persons served, number of stock watered, etc.

Maximum annual water use in recent years	7,500,000	gallons
Minimum annual water use in recent years	500,000	gallons
Type of diversion facility: gravity		acre-feet
	pump <input checked="" type="checkbox"/>	

Method of measurement: weir ☐ flume ☐ electric power meter ☐ water meter ☐ estimate ☒

F. Purpose of use. (what water is being used for) irrigation

G. General description or location of place of use (use sketch of section grid on reverse side, if you desire)  
over

H. Year of first use as nearly as known 1942 by previous owner

I. Name of person filing statement 1969 by Smith

Position owner Organization Donald J. Smith

Address Rt 1 Box 51H Mokelumne Hill Calif 95245

I certify that the foregoing statements are true and correct to the best of my knowledge and belief.

Date signed July 11, 1973 Signature Donald J. Smith

See Instructions on Reverse Side

5-315-70-00-8

04270-000 6-73 1,000 Q. 05P

H-56 WRCB 40 (6-73)